

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 4, 2005. At the time of the Office Action, Claims 1-9 were pending in this Application. Claims 1, 3, 5, and 6 stand rejected. Claims 2, 4 and 7-9 stand objected to. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Objections

The Examiner has objected to Claims 3 and 6 due to informalities. The Examiner stated that it is unclear where the diagnostic circuit is connected in order to receive the reference voltage since the reference voltage is supplied to the amplifier. Applicant respectfully disagrees. Claim 3 requires that the reference voltage is fed to the diagnostic circuit. Thus, the diagnostic circuit is at least coupled with a node in the circuit that provides the reference voltage. A voltage can be fed to more than a single component. In fact, Fig. 1 clearly shows how this is accomplished. Reference voltage is designated with Vref and this voltage is not only fed to circuit 4 but also to diagnostic circuit 6.

With respect to the objection to dependent claim 6 which allegedly does not further limit any components mentioned in claim 5, Applicant would like to bring to the Examiner's attention that claim 5 is a method claim and does not include any of the steps recited in claim 6.

Rejections under 35 U.S.C. §103

Claims 1, 3, and 5-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,232,770 issued to Thaddeus Schroeder ("Schroeder") in view of U.S. Patent 4,506,339 issued to Klaus Kuhnlein ("Kuhnlein"). Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

Claims 3 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schroeder in view of Kuhnlein as applied to Claims 1 and 5 above, and further in view of U.S. Patent 5,291,133 issued to Kalyan P. Gokhale et al. ("Gokhale"). Applicant respectfully

traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The present independent claims 1 and 5 include the limitation of a transconductance amplifier. The Examiner states that Schroeder discloses such an amplifier with element 32'. Applicant respectfully disagrees. A transconductance amplifier is an amplifier that, for example, converts a voltage into a current or as in the present example an input current into a voltage. Schroeder merely discloses an amplifier 32 that receive an input voltage created by the variable resistor MR1 (magnetoresistive sensor). Moreover, Schroeder neither discloses nor suggests to convert the output signal of the amplifier through a low-pass filter into a reference voltage. The Examiner did not mention this claim limitation in his analysis. However, as stated above, the combined references must include all limitations. This is not the case with the cited references because Kuhnlein also neither discloses nor suggests the use of a low pass filter. Therefore, Applicant believes that all claims are allowable. Applicant respectfully submits that the dependent Claims are allowable at least to the extent of the independent Claims to which they refer, respectively. Thus, Applicant respectfully requests reconsideration and allowance of the dependent Claims. Applicant reserves the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and does not concede that the Examiner's proposed combinations are proper.

Allowable Subject Matter

Applicant appreciates Examiner's consideration and indication that Claims 2, 4 and 7-9 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. However, as stated above, Applicant believes that all claims are allowable.

CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of all pending Claims.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,
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